

Before the
Federal Communications Commission
Washington, D.C. 20554

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AUG 29 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Amendment of Section 73.202(b))	MB Docket No. 02-76
Table of Allotments)	RM-10405
FM Broadcast Stations)	RM-10499
(Crisfield, Maryland, Belle Haven, Nassawadox,)	
Exmore, and Poquoson, Virginia)	

To: Assistant Chief, Audio Division
Media Bureau

**ERRATUM TO
TIDEWATER'S OPPOSITION
TO COUNTERPROPOSENTS'
MOTION FOR LEAVE TO FILE RESPONSE
TO REPLY COMMENTS ON COUNTERPROPOSAL**

On August 28, 2002, counsel for Tidewater Communications, Inc. ("Tidewater"), filed its "Opposition to Counterproponents' Motion for Leave to File Response to Reply Comments on Counterproposal" filed by Commonwealth Broadcasting, L.L.C. and Sinclair Telecable, Inc. dba Sinclair Communications.

Attachment A to Tidewater's Opposition, a Technical Exhibit prepared by Tidewater's Technical Consultant, contains an error. The citation to Section 73.213 of the Rules should be to Section 73.315. Attached is a corrected Attachment A.

Attachment B was the Declaration of Donald Crowder, Chief Operator for Tidewater, to which was attached a copy of the York County Zoning Code showing that a

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radio tower in the area would require a special use permit. The full text of the attachment was not legible. We are hereby submitting a more legible copy.

Respectfully submitted,

TIDEWATER COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read 'Gary S. Smithwick', written over a horizontal line.

Gary S. Smithwick
Its Attorney

Smithwick & Belendiuk, P.C.
5028 Wisconsin Avenue, N.W., #301
Washington, D.C. 20016
(202) 363-4050
August 29, 2002

TECHNICAL EXHIBIT
In Opposition To Commonwealth/Sinclair Motion
Add Channel 291A to Poquoson, VA
August 2002

These Technical Comments are made on behalf of Tidewater Communications, Inc. ("Tidewater") in support of Tidewater's Opposition to Counter Proponents' Motion for leave to file response to Reply Comments on Counterproposal. The Commonwealth/Sinclair ("Sinclair") Motion proposes to add Channel 291A to Poquoson, Virginia.

When plotted on a US Geological Survey 7.5 minute Quadrangle Map the proposed reference site is off shore¹. The Commission's Policy has been to resolve site and terrain discrepancies using this type of government map.

Sinclair used an alternative method of prediction of coordinates by using a Global Positioning System ("GPS")hand held receiver. In an affidavit by Sinclair's engineer, several photographs were attached showing him standing on land. Moreover, in the affidavit he swore that his GPS receiver indicated that the coordinates of that location are North Latitude 37° 12' 30.5" and West Longitude 76° 29' 03.8" using North American Datum 1983. Sinclair then converted those coordinates to NAD-27 NL 37° 12' 30" and WL 76° 29' 05". From this information, we plotted these coordinates on a USGS 7.5 minute topographic map. We agree with the affiant that this site is on land. However, the site shown by the Sinclair engineer is 5.92 km west or *nowhere near* the originally proposed reference site of the Sinclair Proposal for Channel 291A at Poquoson.

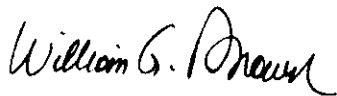
In the Sinclair Technical Statement, another reference site was picked. Sinclair stated: "...the reference site will plot on land on the 7.5 minute map submitted by TCI on Exhibit #2....". The new reference point as proposed by Sinclair is located at North Latitude 37° 12' 30" and West Longitude 76° 29' 07". We agree that this site is on land when plotted on a 7.5 minute topographic map.

¹ The original site reference for Channel 291A at Poquoson, VA is North Latitude 37° 12' 30" and West Longitude 76° 25' 05".

However, our FM Allocation Study shows this site to be 4.61 km shortspaced to WRDU, Channel 291C at Wilson, North Carolina per Section 73.207. Furthermore, from this site utilizing a maximum Class A facility, the 70 dBu contour does not cover all of the proposed community of license per Section 73.315.

In conclusion, the location shown in the affidavit by Sinclair's engineer NL 37° 12' 30.5", WL 76°29' 03.8" NAD-83 and converted to NL 37° 12' 30" and WL 76° 29' 05" NAD-27 is on land. The newly proposed reference site as proposed by Sinclair's Consultant at NL 37° 12' 30", WL 76° 29' 07" is also on land. However, neither of these locations meets the provisions of §73.207 for spacing or §73.315 for coverage of the proposed community of license.

Bromo Communications, Inc.

A handwritten signature in cursive script, reading "William G. Brown".

William G. Brown
Technical Consultant to Tidewater Communications, Inc.

P-UNLIMITED USE S-RESTRICTED BY SPECIAL USE PERMIT	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS							
	RC	RR	R20	R13	R7	BMF	MS	LS	GB	WCI	SO	K	IG	
	CATEGORY 17 - UTILITIES													
1. Electric Substations, Distribution Center, Transformer Stations, Telephone Exchanges	S	S	S	S	S	S	A	A	A	S	S	A	P	
2. Electric Generating Plants													S	
3. Sewage Pump/Lift Stations	P	P	P	P	P	P	P	P	P	P	P	P	P	
4. Sewage Treatment/Disposal Facilities	S	S										S	S	
5. Water Purification Facilities	S	S										S	P	
6. Water Storage Towers	S	S	S	S	S	S	S	S	S	S	S	S	P	
7. Radio, Television, Microwave Facilities	S	S							S	S	S	P	P	
8. Utility Transmission Facilities other than Normal Distribution Facilities (Essential Services): Including Telephone Exchanges, Pipelines, High Voltage Power Lines	S	S	S	S	S	S	S	S	S	S	S	S	S	
9. Solid Waste Disposal and Treatment Facilities including Incinerators, Landfills, Transfer Stations													S	
10. Storage, Handling, Transport of Coal or Other Solid Fossil Fuels used in the County: Storage, Handling, Transport, Disposal of Fly Ash, Bottom Ash													S	

Ord. No. 098-16, 10/7/98

Sec. 24.1-307. Prohibited uses.

The following uses shall be prohibited in the county:

- (a) Smelting;
- (b) Nuclear materials manufacturing;
- (c) Nuclear waste processing or disposal;
- (d) Biohazard waste processing or disposal; and
- (e) Manufacture, transformation, or distribution of biologically accumulative poisons or other poisons that are or ever were registered in accordance with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136, et seq.).



Mark A. Hobbs

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Secs. 24.1-308-24.1-319. Reserved**DIVISION 2. RESIDENTIAL DISTRICTS****Sec. 24.1-320. Purpose of residential districts.**

The purpose of the residential districts is to provide a full range of opportunity in accordance with the comprehensive plan, and specifically the housing element and land use element, for the orderly, healthful, convenient, and affordable distribution of housing throughout the county. A variety of densities and housing arrangements is provided based on the availability or expected availability of the public service infrastructure necessary to serve development. The lower density arrangements have been established

CERTIFICATE OF SERVICE

I, Sherry L. Schunemann, do hereby certify that on this 29th day of August, 2002, I caused copies of the foregoing "Erratum to Tidewater's Opposition to Counterproponents' Motion for Leave to File Response to Reply Comments on Counterproposal" to be delivered, via United States Mail, postage prepaid, or as otherwise specified, to the following individuals:

Howard M. Weiss, Esquire
Fletcher, Heald & Hildreth, PLC
1300 North 17th Street
11th Floor
Arlington, Virginia 22209-3801

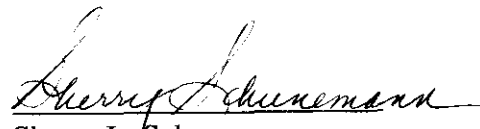
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Sherry L. Schunemann